

REMARKS/ARGUMENTS

A. In the Specification

1. No paragraphs have been amended in the specification to clarify previously disclosed matter and/or correct language, reference labeling, figure description, and/or syntax. No new matter has been added.

B. In the Claims

1. Claims 10, 11, and 15 have been amended to correct language, syntax, avoid the citation of the prior art, and/or point out the specific features of Applicant's invention with greater clarity. Claims 12-14 and 16 have been cancelled. Claims 17-19 have been withdrawn in response to a previous restriction requirement. Claims 20-24 have been added. Support for new claims 20-24 is found in paragraphs [0002], [0009], and [0016] of patent application serial number 10/829,643. No new matter has been added.

Regarding the Claim Rejections under 35 U.S.C. 102(b)

2. Claims 10-16 have been rejected under 35 U.S.C. 102(b), as being anticipated by DMV. Applicant respectfully disagrees with this anticipation rejection in light of the amendments to the claims and arguments presented in support of the claims at issue herein.

3. As per claim 10, amended claim 10 discloses a government issued license plate for the purpose of vehicle identification including a metallic plate for displaying identification indicia used in the identification of vehicles by government authorities and a combination of alpha-numeric and non-alphanumeric identification indicia used in the identification of vehicles by government authorities displayed on said metallic plate, wherein said non-alphanumeric identification indicia used in the identification of vehicles by government authorities are comprised of conventionally recognized symbols. Claim 10 was rejected based on page 2 of the DMV reference that shows that at least a year before the filing of the instant application the North Carolina DMV, a government agency, approved the issuance of official license plates

including non-alphanumeric identification indicia. Applicant respectfully disagrees with this conclusion, as it is Applicant's belief that the indicia disclosed in the DMV reference is decorative indicia and not identification indicia.

Applicant's belief is based on two premises. First, as stated in page 1 of the DMV reference, "the Division may refuse to issue a plate with a letter combination that is offensive to good taste and decency." This indicates that there exist standards by which the DMV abides by in issuing personalized plates. The use of standards in plate issuance conflicts with the notion that the license plates exist as instruments of identification. Standards limit the availability of symbols used, which decreases the potential number of unique identifying license plate combinations. Thus, if the plates included identification indicia, rather than decorative indicia, there would be no limit to the nature of the available symbols. Because standards were disclosed, hence limiting the number of unique government issued license plate identifying combinations, the DMV reference does not disclose a government issued license plate containing non-alphanumeric identification indicia.

Second, as evidenced by the letters to Applicant from Ms. Kay Hatcher, Supervisor of the Special License Unit, and Specialist David C. Richards of the NC State Highway Patrol, the punctuation characters displayed on the personalized license plates are for decorative purposes only, not for identification, and would be ignored if a trooper were to include such characters through a radio transmission. This demonstrates that the DMV reference is concerned with decorative indicia, not identification indicia. The fact that the DMV reference discloses non-alphanumeric indicia on a license plate, while significant, is not dispositive of an anticipation rejection of claim 10 because decorative indicia was not disclosed. While generally the claiming of a genus can be anticipated by the existence of a known species, the claiming of a species is not necessarily anticipated by the existence of a known genus. Therefore, because identification indicia, a specific type of indicia used on license plates, was not disclosed in the DMV reference, which only disclosed decorative indicia, it is Applicant's belief that claim 10 is not anticipated by the DMV reference. Thus, Applicant believes that claim 10, as amended, is now in condition for

allowance.

4. As per claim 11, claim 11 was rejected based on the reasoning that the non-alphanumeric indicia approved by the North Carolina Department of Motor Vehicles includes the dollar sign and the question mark. Applicant acknowledges that the DMV reference discloses the dollar sign and questions mark. However, in accordance with the arguments presented above in paragraph B3 of this request for reexamination, the dollar sign and question mark were disclosed as decorative indicia, not identification indicia. Therefore, as amended, Applicant now believes that claim 11 is in condition for allowance.

5. As per claim 12, claim 12 has been cancelled.

6. As per claim 13, claim 13 has been cancelled.

7. As per claim 14, claim 14 has been cancelled.

8. As per claim 15, amended claim 15 was rejected based on page 2 of the DMV reference that shows that at least a year before the filing of the instant application the North Carolina Department of Motor Vehicles, a government agency, approved the issuance of official license plates including non-alphanumeric identification indicia. Applicant respectfully disagrees with the Examiner's conclusion for the reasons stated below.

First, in accordance with the arguments presented above in paragraph B3 of this request for continued examination, the non-alphanumeric indicia disclosed in the DMV reference was decorative indicia, not identification indicia. Therefore, Applicant believes that as amended, claim 15 is in condition for allowance.

Second, amended claim 15 discloses a *method* for making a government issued vehicle license plate for the purpose of identifying vehicles comprising the steps of providing a metallic plate for displaying identification indicia used in the identification of vehicles by government authorities and displaying a combination of alpha-numeric and non-alphanumeric identification indicia used in the identification of vehicles by government authorities on said metallic plate,

wherein said non-alphanumeric indicia used in the identification of vehicles by government authorities are comprised of conventionally recognized symbols. As the DMV reference does not disclose a government issued license plate containing identification indicia, the DMV reference also does not disclose a method for making a government issued license plate containing identification indicia. Therefore, Applicant believes that as amended, claim 15 is in condition for allowance.

9. As per claim 16, claim 16 was cancelled.

Regarding the New Claims

10. As per claims 20-24, claim 20 discloses a method for using a government issued vehicle license plate containing non-alphanumeric identification indicia for the purpose of identifying vehicles, including the steps of reading a metallic plate containing a combination of non-alphanumeric identification indicia and comparing said combination of non-alphanumeric identification indicia to known vehicle registration records to determine ownership of a vehicle. Applicant believes that the DMV reference does not anticipate claim 20, because in accordance with the arguments presented above in paragraph B3 of this request for continued examination, the non-alphanumeric indicia disclosed in the DMV reference was decorative indicia, not identification indicia. Therefore, Applicant believes that claim 20 is not anticipated by the DMV reference in that the DMV reference does not disclose or remotely suggest a method of using a government issued license plate containing non-alphanumeric identification indicia for identifying vehicles.

Further, it is Applicant's belief that the addition of claim 20 does not constitute adding new matter to the present application. New matter includes "not only the addition of wholly unsupported subject matter, but may also include adding specific percentages or compounds after a broader original disclosure, or even the omission of a step from a method." See MPEP §706.03(o). Claim 20 is not "wholly unsupported" subject matter, as it finds ample support in paragraphs [0002], [0009], and [0016] of patent application serial number 10/829,643.

Additionally, as claim 10 discloses a government issued license plate containing identification indicia for the purpose of identifying vehicles and claim 15 discloses a method of making a government issued vehicle license plate for the purpose of identifying vehicles, it is within the scope of the present invention to claim a method of using a license plate containing non-alphanumeric identification indicia to identify vehicles. Thus, Applicant believes that claim 20 is in condition for allowance.

Regarding claim 21 and claims 22-24 which depend from claim 21, claim 21 discloses a method of displaying additional identification indicia satisfying the license plate function of vehicle identification. This method is fully supported by the originally filed specification, and claims 21-24 should be in condition for allowance.

Furthermore, all 50 states were polled for the method in which they issue vehicle license plates. No state government was discovered issuing vehicle license plates which utilize non-alphanumeric indicia *for the purpose of identification*. Thus, there is a long felt need for such an invention. Firstly, it would generate millions of state revenue dollars, from the initial issuance of personalized license plates. Secondly, it would allow a significant number of existing personalized plate combinations to be re-issued, providing additional revenue. These characteristics represent a valuable, useful, novel and non-obvious contribution to the system of license plate identification, because non-alphanumeric identification indicia can *stand alone or complement* alphanumerics as the integral means to satisfy identifying criteria.

Therefore, Applicant firmly believes that new claims 21-24 are presently in condition for allowance, and such action by the Examiner is respectfully requested.

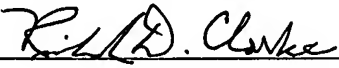
CONCLUSION

All of the objections and rejections raised by the Examiner have been addressed by Applicant. Attorney for Applicant has carefully reviewed the cited reference, namely the DMV website, and believes that the new claims presently on file in the present request for continued examination (RCE) are patentably distinguishable with respect to the prior art. In view of the amendments to the disclosure and the remarks submitted herein, Applicant submits that all of the currently amended and new claims of record are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case in due course.

If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this application to allowance, the Examiner is invited to contact the undersigned, attorney of record in this case, Richard D. Clarke, Esq., at one of the listed below numbers or at his below listed e-mail address.

Dated: December 27, 2005

Respectfully Submitted,
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